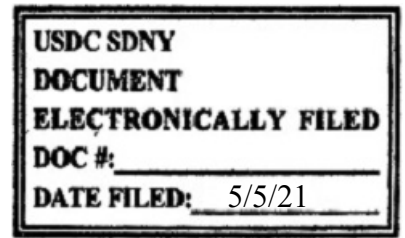


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRADLEY SHOVE,
Plaintiff,
-against-
INTELLIGRATED SYSSTEMS, INC., et al.,
Defendants.



19-CV-10205 (OTW)

**ORDER SCHEDULING SETTLEMENT
CONFERENCE**

BARBARA MOSES, United States Magistrate Judge.

A settlement conference is scheduled before Magistrate Judge Barbara Moses on **May 6, 2021, from 2:15 p.m. to 4:15 p.m.**

**THE PARTIES ARE DIRECTED TO READ THIS
ENTIRE ORDER CAREFULLY. FAILURE TO COMPLY
WITH PRE-CONFERENCE RESPONSIBILITIES MAY
RESULT IN SANCTIONS.**

1. Attendance of Parties, Trial Counsel, and Carriers Required. **Each party must attend the settlement conference, together with that party's lead trial attorney, via videoconference (see ¶ 5 below).** Counsel must be fully knowledgeable concerning the facts of the case, relevant law, and the progress of the case to date, including settlement discussions. If a party is a corporation, union, or other non-natural person, it must attend the conference through a decision-maker with knowledge of the case and responsibility for determining the amount of any ultimate settlement; that is, a person who decides what settlement authority to give to counsel, not a person who has received, or must seek, authority from someone else within the organization. If a party fails to attend the settlement conference with his or its lead trial counsel, that party may be required to reimburse the other parties for their time and any expenses, or face other sanctions.
2. Pre-Conference Settlement Discussion Required. The purpose of a Court-facilitated settlement conference is to settle the case – not simply to conduct a settlement dialog. To this end,

the parties' counsel must engage in at least one good-faith settlement discussion before the conference, at which the plaintiff must communicate a new settlement demand in response to defendants' most recent offer. Thereafter, the parties are encouraged to engage in continued bilateral negotiations. The parties must report their latest settlement positions at the start of the May 6 conference.

3. Confidential Settlement Letter. No later than the close of business on **May 5, 2021**, each party shall submit a settlement update letter to chambers by email, addressed to Moses_NYSDChambers@nysd.uscourts.gov, marked "Confidential Material for Use Only at Settlement Conference." **Do not file the confidential settlement letter on ECF. Do not send copies to the adverse party unless all parties have agreed to exchange their letters.** Settlement letters are limited to six pages, not including any exhibits, which are permitted but should be kept to a minimum. In this case, each letter should contain a brief description of case developments and settlement negotiations since the last settlement conference, as well as any additional information that may be helpful to the Court at the conference.

4. Conduct of the Conference. All proceedings at the settlement conference will be confidential. Discussions are "off the record," and may not be used in discovery or at trial. The Court will function as a mediator. Efficient use of this process requires that parties and counsel be prepared for the conference and candid with the Court. Following an initial joint session, the Court will work separately with each side in private. During these sessions the Court may address questions directly to the parties (in the presence of their counsel) and will expect candid responses. In addition, all parties should be prepared to disclose their legal fees and costs to date and their estimates of fees and costs through judgment. Additional joint sessions may be convened if likely to advance the goal of settlement.

5. **Remote Attendance Required Due to Coronavirus Risk.** For the duration of the COVID-19 public health emergency, and unless otherwise ordered by the Court, all attendees must participate in the settlement conference remotely, using the Court's videoconferencing technology (Microsoft Teams). The Court will provide the link and further instructions in an email to counsel prior to the conference.

6. **No Effect on Other Deadlines.** Neither the scheduling of a settlement conference nor the status of the parties' settlement negotiations – short of agreement on all material terms – affects the parties' other litigation deadlines or obligations.

Dated: New York, New York
May 5, 2021

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge